

State of Rhode Island
Department of Health
Board of Medical Licensure and Discipline



IN THE MATTER OF:
Matthew Rogalski, MD
License No.: MD 13007
Case No.: C210619

CONSENT ORDER

Matthew Rogalski, MD ("Respondent") is licensed as a physician in Rhode Island. The Rhode Island Board of Medical Licensure and Discipline ("Board") makes the following

FINDINGS OF FACT

1. Respondent has been a licensed physician in Rhode Island since June 10, 2009.
2. Respondent graduated from Wake Forest University, Bowman Gray School of Medicine, on May 16, 2005.
3. The Board received a notification from Landmark Medical Center ("Landmark") on April 6, 2021 indicating that Respondent had voluntarily resigned his clinical privileges during the pendency of a peer review investigation.
4. Respondent appeared before the Investigative Committee on October 27, 2021.
5. Pursuant to Respondent's written response to the Board and his appearance before the Investigative Committee, the Investigative Committee determined that, prior to the events participating notice to the Board, Respondent had been participating in a Focused Professional Practice Evaluation ("FPPE") relative to the performance of gynecological surgery.
6. Respondent had been the attending physician for Patient A (alias), who was scheduled to

have a hysterectomy and salpingo-oophorectomy. Respondent was waiting for a surgical assistant who was not able to attend, and another assistant was assigned to the case. Respondent started the case prior to the assistant arriving. The surgical procedure resulted in an adverse surgical outcome and complications that warranted an extended stay in the Intensive Care Unit for Patient A.

7. Following the adverse surgical outcome, Landmark temporarily suspended Respondent's clinical privileges and initiated an investigation into the matter, subsequent to this his privileges were reinstated.

8. During the pendency of the investigation, Respondent remained employed by Landmark, but was also practicing addiction medicine, for which practice area he had obtained additional training. Respondent practiced addiction medicine at a separate location, having determined that it was needed in the community. Respondent demonstrated significant proficiency in this practice.

9. During the pendency of the investigation, Respondent decided to pursue addiction medicine full time and, therefore, to cease practicing Obstetrics and Gynecology and resign his privileges at Landmark. In his written response to the Board, Respondent stated, *"I resigned my privileges at Landmark. I did this because I had no intention of using those OBGYN privileges any further. I did it despite the pending investigation and the report that I was aware would be triggered."*

10. On December 30, 2019, Respondent entered into a Consent Order agreeing to a reprimand on his physician license based on the revocation of Respondent's gynecology privileges by Sturdy Memorial Hospital.

11. Respondent has no current plans to provide care in Obstetrics and Gynecology.

12. Respondent violated R.I. Gen. Laws § 5-37-5.1(21), which defines “unprofessional conduct” as including “*surrender, revocation, suspension, or any other disciplinary action relating to a membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as described in [R.I. Gen. Laws § 5-37].*”

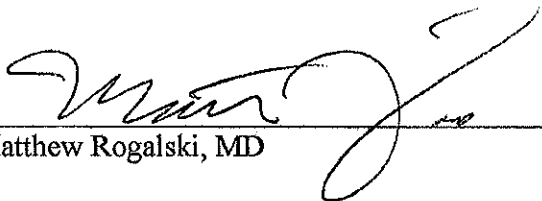
Based on the foregoing, the parties agree as follows:

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board and is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; and
 - h. Any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the Rhode Island Department of Health (“RIDOH”) public website.


4. Respondent agrees to pay, within 5 days of the ratification of this Consent Order, an administrative fee of \$1100.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to "**Rhode Island General Treasurer**," and sent to Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn: Jessica DeSanto. Respondent will send notice of compliance with this condition to DOH.PRCCompliance@health.ri.gov within 30 days of submitting the above-referenced payment.
5. Respondent hereby agrees to this reprimand on his physician license.
6. Respondent shall not engage in the surgical practice of obstetrics and gynecology in a operating room setting in an ambulatory care center or hospital without a new agreement with the Board.
7. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of RIDOH ("Director") shall have the discretion to impose further disciplinary action, including immediate suspension of Respondent's medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request within 20 days of the suspension and/or further discipline an administrative hearing. The Director shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

[SIGNATURE PAGE FOLLOWS]

Signed this 22 day of November, 2021.


Matthew Rogalski, MD

Ratified by the Board of Medical Licensure and Discipline on the 24 day of December, 2021.


Nicole Alexander-Scott, MD, MPH
Director
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, RI 02908

